

The 82nd Airborne's “Jumping JAG”

The Incredible Wartime Career of Nicholas E. Allen

By Fred L. Borch



In March 1945, as the war in Europe raged, Maj. Gen. James E. “Jumping Jim” Gavin, the commander of the 82nd Airborne Division, pinned a parachutist badge on the chest of Lt. Col. Nicholas E.

Allen. This was truly a historic event, as Allen was the division’s staff judge advocate, and no Army lawyer had previously undergone parachute training, much less earned the right to wear airborne wings.

Inset: Official JAG Department photo of 1st Lt. Nicholas E. Allen, taken June 2, 1942.

Paratroopers are given a last-minute inspection by their jumpmaster before boarding the transport plane for the Allied airborne invasion of Holland, September 1944.

Allen was unique in at least one other way: Gavin previously had been so impressed with Allen’s legal work that Gavin had obtained a battlefield promotion for him—the only time in history that an Army lawyer has received this high honor for outstanding performance in combat. Allen rose from second lieutenant to lieutenant colonel in just two and a half years—fast even by wartime standards.

Allen’s World War II career was singularly remarkable by any measure, but even more so because he was a lawyer, not a combat leader.

When one considers that he subsequently had a stellar career as a civilian lawyer in the newly created Air Force and,

as a member of the Air Force Judge Advocate General’s Corps, finished his military career as a brigadier general, there is no doubt that Allen was an exceptional lawyer, a courageous soldier, and an outstanding airman. Allen’s incredible World War II career can only be told today because his military records have been preserved in the National Archives and Records Administration’s Military Personnel Records Center in St. Louis, Missouri. Allen died in 1993, but because his records contain photographs, documents, and detailed reports on his performance of duty, a complete picture of his unusual military career can be assembled.

Finally, the NARA records on Allen reveal what happened to him after World War II.

This solves a mystery as, while some details about Allen’s unusual military career—unusual for a lawyer—were known in the Army’s legal community, he left active duty in 1946, and no one knew what

happened to him—until an examination of his NARA file provided the answer.

**THE “ALL AMERICANS”:
THE 82ND AIRBORNE DIVISION**

The 82nd Airborne Division has a short but distinguished history. First organized in 1917 as part of Gen. John J. Pershing’s American Expeditionary Force, the unit picked up its nickname, the “All-Americans,” from the fact that its original members hailed from all 48 states. After World War I ended, the division was deactivated in 1919. In 1942 it was reactivated as the U.S. Army’s first airborne division.

The 82nd’s paratroopers fought in North Africa, Sicily, and on mainland Italy in 1943. On June 6, 1944, the division dropped behind Utah Beach and saw hard fighting against German forces in Normandy. In mid-July, after 33 days of com-

Left: Maj. Gen. Matthew Ridgway (left, with grenades) and Maj. Gen. James Gavin talk together before an award ceremony somewhere in Belgium, January 20, 1945.”



Laden with their equipment, officers and men of the 82nd airborne division, aboard a C-47 plane, await their takeoff in England for landings in Holland, September 1944.

bat, the “All Americans” returned to England. As some 5,200 paratroopers had been killed, wounded, or missing, rest and reconstitution was very much needed.

After the D-day invasion, the 82nd joined the 17th and 101st Airborne Divisions to become XVIII Airborne Corps. Maj. Gen. Matthew Ridgway, who had commanded the 82nd, was promoted and took command of the new corps; the assistant division commander, Brig. Gen. James Gavin, was promoted and took command of the 82nd.

NICHOLAS E. ALLEN ARRIVES

At this point in the war, then-Major Allen arrived in the 82nd Airborne Division. On August 13, 1944, he reported for duty as the “Division Judge Advocate” and, in that job, was responsible for providing legal advice to General Gavin, his staff, and his subordinate commanders.

According to his military records, Allen was born in Atlanta, Georgia, on July 24, 1907. He was of medium height (51/4 8 1/4”) and build (150 lbs). After graduating from high school in 1925, Allen enrolled in Princeton University, Princeton, New Jersey. In 1929, he completed his undergraduate work for a B.S. in government; his grades were so good that he was admitted to Phi Beta Kappa, the national academic honorary society. Allen then went straight to Harvard Law School, from which he received his law degree in 1932. He was admitted to the New Jersey bar and was in private practice in that jurisdiction from 1932 to 1935.

From 1936 to 1942, Allen worked as an attorney in the Solicitors Office, U.S. Department of Labor. According to a statement Allen submitted for his military file, he was “in charge of litigation and other legal aspects including preparation of regulations, orders and opinions of administration of child labor provisions of fair labor standards.”

Allen left civilian life for the Army on April 1, 1942, when he obtained a commission as a reserve second lieutenant in the Judge Advocate General’s Department. He subsequently served in the Judge Advocate Gen-

Allen’s oath of office upon accepting a Regular Army commission as a captain on July 16, 1943, was recorded on this form.

eral’s Office in Washington, D.C., where he worked in the contracts division. His efficiency report from this period describes him as “a pleasant, likeable, quietly efficient officer; gentlemanly in bearing, conscientious, loyal, very willing and always ready to do any job that needs to be done.”

After attending the Eleventh Officer’s Class at the Judge Advocate General’s School in Ann Arbor, Michigan, from April to July 1943, Allen accepted a regular Army commission and was promoted to captain.

After graduation, Allen journeyed to Headquarters, Third Army, Fort Sam Houston, Texas, where he served as an assistant judge advocate. He was promoted to major on January 4, 1944, and then sailed for England. He was assigned to the Military Justice



After transferring to the Air Force Reserve in June 1949, Allen continued his stellar career in uniform, as reflected by his promotion to Air Force brigadier general in March 1961.

Division in the Branch Office of the Judge Advocate General, where he was the chief examiner of courts-martial records of trial. His boss, Army lawyer and Brig. Gen. E. C. McNeil, lauded him as “keen, alert, adaptable, loyal, cooperative, thorough . . . a top notch officer in every way.”

HEADQUARTERS 82D AIRBORNE DIVISION (FORWARD)
Office of the Division Commander

APD #469, U. S. Army.
13 November 1944.

SUBJECT: Battlefield Promotion of Officer.

TO : Commanding General, XVIII Corps (Airborne), APO 309, U. S. Army.

1. Under the provisions of AR 405-12, as amended, and Circular 90, as European Theater of Operations U. S. Army, it is recommended that the following officer, having clearly demonstrated his fitness for promotion by outstanding performance in actual combat, be promoted as indicated.

a. Nicholas E. Allen O-26377
(First name) (Middle Initial) (Last name) (ASN)

b. Major 4 January 1944 Lieutenant Colonel
(Grade held AUS) (Date of Order) (Grade to which recommended)

c. Judge Advocate 71-1
(Duty assignment) (T/O number)

2. This officer has clearly demonstrated his fitness for promotion to the recommended grade by outstanding performance in actual combat as follows:

Major ALLEN joined the Forward Echelon of the 82d Airborne Division on 7 October 1944, to execute, in addition to his other duties, the functions of Division voting officer. Upon arrival, he was given as an additional assignment, the coordination and supervision of investigations involving claims from civilians arising from the exigencies of war during the period subsequent to the Airborne landing on 17 September 1944. When it developed that the Division would be committed for a longer period than was originally anticipated Major ALLEN brought his entire section forward from the U. E. General Court prisoners were flown in and a General Court established for the trial of such cases as might be ordered before it.

This accomplishment of these various duties enabled the Division to extend the voting privilege to combat troops actually in the forward lines under conditions that subjected Major ALLEN to hazards ordinarily alien to the exercise of his duties as Judge Advocate General. The investigations of civilian claims was expertly guided by Major ALLEN during a period when the attention of the combat commander was wholly directed to the tactical situation. His supervision of this delicate task was of infinite value to the Division.

When General Gavin obtained a battlefield promotion for then-Major Allen in November 1944, he stressed how Allen had “clearly demonstrated his fitness for promotion . . . by outstanding performance in actual combat.” No other Army lawyer has ever been recommended for, nor received, a battlefield promotion.

With a little more than two years in uniform, Allen was then selected to join the 82nd Airborne Division as its one and only lawyer. Although Allen clearly had superb legal skills, he had never served as a legal adviser to a division commander. He had no combat experience, much less time with paratroopers who had seen hard and bloody fighting. Finally, at 37 years of age, Allen was an old man in comparison to most of the officers and enlisted men. One can only surmise that he knew that this job was going to be both a mental and physical challenge.

When Allen reported to the 82nd Airborne in August, the division was only a month away from major combat operations as part of Operation Market Garden. This daring plan, which started on September 17, 1944, involved nearly 5,000 aircraft and more than 2,500 gliders. It called for a large American-British airborne force to seize key bridges, roads, and other tactically valuable terrain in the Netherlands, deep behind enemy lines. Despite fierce German counterattacks, the 82nd succeeded in capturing and holding the bridge over the Maas

River at Grave. Three days later, in exceptionally brutal combat near Nijmegen, elements of the 82nd captured a key bridge across the Waal river. Despite the division's success, the defeat of other Allied units at Arnhem meant overall failure and, after 56 days of combat, the 82nd was withdrawn to France.

During the early weeks of Market Garden, Allen was not in direct combat. On October 7, 1944, however, he joined the most forward elements of the 82nd in Holland. Allen then coordinated and supervised investigations into claims for money made by Dutch civil-

ians for damage or loss to their property caused by American paratroopers. Under laws and regulations then in force, the Army would not pay for property losses resulting from combat. But, when there was no fighting, and an American soldier damaged a Dutchman's home or requisitioned food or some other item of property, a claim could be paid to the aggrieved civilian.

When it became clear that the division would be in the Netherlands longer than had been expected, Allen arranged for military prisoners to be flown to Holland from Belgium to be tried by general courts-martial so that the administration of justice



Maj. Gen. James Gavin pins a parachutist badge on Lt. Col. Nicholas Allen, March 1945. Allen is the first Army judge advocate to have earned airborne wings.

would not be interrupted by combat.

Allen also took on the additional duty as “voting officer.” The War Department, at the urging of President Roosevelt, wanted as many soldiers as possible to be able to cast a vote in the November 1944 presidential election. This meant that Allen had to enter the combat zone (as it was then called), deliver paper absentee ballots to paratroopers fighting on the front lines, and then collect these ballots and arrange for their return to the United States in time for the election.

According to official documents, Allen's

work “enabled the Division to extend the voting privilege to combat troops actually in the forward lines under conditions that subjected [him] to hazards ordinarily alien to the exercise of his duties as Judge Advocate General.”

While Market Garden failed, and the 82nd Airborne was pulled out of Holland, General Gavin was so impressed with Allen's performance during the heavy fighting that he did something that no other commander had ever done before, or has done since that time: on November 13, 1944, he recommended a "battlefield promotion" for Allen. According to the recommendation for promotion, Gavin was impressed with Allen's

truly outstanding work in arranging for soldiers to vote, investigating civilian claims, and ensuring that courts-martial continued to operate while the 82nd was in combat in Holland. The tenor of the recommendation, however, makes it clear that what most impressed Gavin was that Allen had gone beyond what was ordinarily expected of a lawyer—even one who was in uniform.

Under Army regulations then in effect, Gavin could recommend a promotion for any officer who had “clearly demonstrated his fitness for promotion by outstanding

performance in actual combat.” Such a recommendation had to be for superlative duty performance in combat (which explains why it was called a “battlefield promotion”), and there had to be a vacancy in the manpower organization of the division. As the 82nd Airborne was short one lieutenant colonel, Gavin could have selected any one of a number of officers to be promoted. That he recommended Allen speaks volumes about what this Army judge advocate had done to enhance mission success in the 82nd. General Ridgway, the XVIII Corps (Airborne) commander, approved Gavin’s rec-

ommendation, and Allen was promoted to lieutenant colonel less than a month later, on December 7, 1944.

While the division was enjoying a much-needed rest after Market Garden, Allen continued to provide legal advice to Gavin, his subordinate commanders, and the division staff. But this “quiet time” was short-lived as, in December 1944, German forces achieved complete surprise in an unexpected attack in the Ardennes forest of eastern Belgium. Thrown into battle, the 82nd Airborne fought hard over the next month in what is now popularly called the Battle of the Bulge, and the division slowed the enemy armored offensive in the Ardennes.

During the bloody fighting under bitterly cold conditions, Allen proved that Gavin’s trust and confidence in him had not been misplaced. The citation for the Bronze Star Medal, awarded to Allen in June 1945, while only two sentences in length, says it all:

In the Ardennes campaign, Lt. Col. Allen voluntarily went into the Combat Zone to expedite the work of his section, at times entering the forward CP [Command Post] of the Division. The devotion to duty, competence, and indifference to danger shown by Lt. Col. Allen in the prosecution of his activities reflects great credit upon the highest traditions of the military service.

Other governments also recognized Allen’s contributions to the Allied cause. For his services in Holland, the Dutch government awarded him the “Military Order of William.” The Belgians also decorated him with their “Fourragere 1940” for his efforts in the Battle of the Bulge.

LIEUTENANT COLONEL ALLEN GOES TO JUMP SCHOOL

After the Germans were defeated in the Ardennes, the 82nd went back on the offen-

sive. The paratroopers moved through the Hurtgen Forest, passed through the Siegfried Line, and were on the Roer River in February. At the end of April 1945, the 82nd conducted an assault across the Elbe River near Blekede, Germany, and, on May 2, 1945, Gavin accepted the surrender of 150,000 German troops. After six campaigns and 442 days in combat, the war ended for the paratroopers of the 82nd Airborne Division.

Allen had remained with the division the entire time; he did not leave for a new assign-

Europe. It also proves that Allen was the first Army lawyer to earn the right to wear airborne “wings.”

An April 1945 article published in *The Advocate* details Allen’s experiences in “jump school.” While the exact location of the training is not revealed, it was probably in Germany as the 82nd had been there since early 1945. The article also does not reveal when Allen attended the 10-day parachute school. Allen’s military records, however, show that he completed parachutist training in March.

The article, which was based on a dispatch from the public relations officer of the 82nd Airborne, states that Allen had volunteered for jump training even though his job as staff judge advocate was “usually considered strictly ‘chairborne.’” The article continues:

The jump school course included a grueling physical condition program, instruction in manipulation of parachute harness and control of a ‘chute in the air, and the correct manner of leaving the door of a plane.

During the course, Col. Allen made five jumps, two of which were made clad in full combat equipment worn for jumping over enemy territory. He finished the course with a night jump into inky blackness, and later received his jump wings from Maj. Gen. James M. Gavin, division commander.

LIFE AFTER THE PARATROOPERS

In the last day of June 1945, Allen left the 82nd Airborne Division for a new job with the 78th Infantry Division. That unit was busily engaged in occupation duties as part of the Berlin Headquarters District, and Allen assumed duties as “Staff Judge Advocate, U.S. Headquarters, Berlin.” In that capacity he also provided legal advice to Maj. Gen. R. W. Barker, the 78th’s commander.

Six months later, on January 1, 1946, Allen became the executive officer at the Judge Advocate Division, U.S. Forces European Theater. When he left Europe to return to the United States in June 1946, Allen’s boss rated him as “quiet, efficient, and well-grounded in Army Administrative and Legal procedures . . . he has exhibited a great deal of well-directed initiative and has achieved superior results in all matters that required his attention.” Finally, Allen’s boss noted that he “reacted well and produces uniformly correct decisions under pressure.” Working under pressure must have been easy after Allen’s experiences with the 82nd Airborne in Holland and Belgium!

Allen arrived in Washington, D.C., in early July 1946 and worked at the Judge Advocate General’s Office in the Pentagon until being released from active duty at Camp Kilmer, New Jersey, on November 21, 1946.

What happened to Allen? Until we obtained his complete record from the National Archives, no one in the Army’s Judge Advocate General’s Corps knew what had happened to this trailblazing lawyer and soldier.

Documents in Allen’s file show that he took a position as a civilian attorney in the Office of the General Counsel in the

Department of the Air Force in 1948. As the Air Force had only recently become an independent service, Allen was involved in formulating legal policy and handling issues for a brand-new organization. He remained with the Air Force as an associate general counsel until 1951, when he accepted an appointment in the Department of Commerce as acting assistant secretary for international affairs. In 1953, Allen left government service to engage in the private practice of law. He was a named partner in the firm of Armour, Herrick, Kneiple and Allen, and had clients in Maryland and the District of Columbia. He remained in private practice until shortly before his death.

As for his military career? After his discharge from active duty, Allen had retained his commission in the Army Reserve, although he was inactive. In June 1949, however, he requested a transfer to the Air Force Judge Advocate General’s Department. As Allen explained in a memorandum to the Army’s adjutant general, a transfer was in the interest of both the Army and the Air Force because of his civilian employment:

I am continuously engaged in legal matters relating to the orga-

nization and administration of the Air Force . . . should an emergency arise necessitating my performance of active military duty, it is believed that my civilian experience would be most advantageously utilized as a Reserve Officer of the Air Force.

The Army agreed with Allen’s rationale, as did the Air Force. As a result, he was appointed a colonel in the Air Force Reserve in June 1949.

Allen excelled as an Air Force reservist and was promoted to brigadier general in March 1961. His efficiency reports show that he consistently obtained only the highest marks. His last report, written by Maj. Gen. J. Stanley Holtoner in August 1966, lauds his skills as an Air Force judge advocate. Holtoner concludes his narrative by stating that “although his age mitigates against it, I would be happy to see him promoted to the rank of Major General.” But it was not to be. Allen retired as a reserve brigadier general in August 1967, with more than 25 years total service in the Army and the Air Force.

Nicolas E. Allen died in Maryland in 1993. **P**

NOTES ON SOURCES

Nicholas Allen’s Official Military Personnel File is preserved in the National Personnel Records Center in St. Louis, Missouri. Since he served in both the Army and the Air Force Reserve, Allen’s file included documents from both services.

Allen’s one-page War Department [WD] Adjutant General’s Office [AGO] Form 53-98, Military Record and Report of Separation; Certificate of Service (1 November 1944), provided general details on his date and place of birth, height and weight, race, marital status, military occupation, decorations and medals, schools attended, and his overseas service.

A three-page WD AGO Form 100 (1 July 1945) Separation Qualification Record contained much greater detail, including lengthy narrative statements describing what Allen had done as an Army lawyer in various assignments from 1942 to 1946.

There were efficiency reports from both

the Army and the Air Force. These documents evaluated his job performance and discussed Allen’s potential for promotion and future service. There were seven Army “Efficiency Report” (WD AGO Form 67, 1 July 1936) documents dating from 1942 to 1946. These were followed by 18 Air Force “Reserve Officer Training Performance Report” (Air Force (AF) Form 1085, December 1957) and “Air Force General Officer Effectiveness Report” (AF Form 78, April 1963) documents. These 25 reports contained a wealth of detail on how Allen performed in uniform.

There was also a copy of the recommendation for a battlefield promotion signed by General Gavin and a copy of the citation for Allen’s Bronze Star Medal. Finally, Allen’s file contained official photographs of him as both an Army and an Air Force officer.

The historical archives maintained at the Army Judge Advocate General’s Legal Center and School, Charlottesville, Virginia, had a copy of *The Advocate* magazine from April 13, 1945; this

story announced that Allen had completed parachute training and was the first hint that his military career was both unique and worth investigating further.

For more on the 82nd Airborne Division in World War II, see Forrest W. Dawson, *Saga of the All Americans* (Atlanta, Ga.: Albert Love Publishers, 1946), and Gerard M. Devlin, *Paratrooper!* (New York: St Martin’s Press, 1979).



Author

Fred L. Borch is the regimental historian and archivist for the Army’s Judge Advocate General’s Corps. A lawyer by profession, he served 25 years active duty as an Army judge advocate before retiring in 2005. He currently is an M.A./PhD candidate at department of history at the University of Virginia, Charlottesville, Virginia.